

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND**

Charlie D. Vick

v.

Case No. 19-cv-267-SJM-AKJ

U.S. Marshals Service Deputies  
Brent Moore, Justin Engen, and  
John Does 1, 2, and 4; and  
Bureau of Alcohol, Tobacco,  
Firearms, and Explosives Agent  
John Doe 3

**REPORT AND RECOMMENDATION**

Plaintiff, Charlie D. Vick, appears to have been released from the custody of the Federal Bureau of Prisons in September 2021. He has not provided this court with updated contact information since his release, and he has not contacted the court or filed any document since May 28, 2021. He did not object to the defendants' motion to dismiss (Doc. No. 66), and he did not object to defendants' motion for a protective order (Doc. No. 68). And he failed to respond to the December 15, 2021 Order directing him by January 18, 2022 to file a document to demonstrate whether or not he intends to litigate his claims in this case at this time. That Order provided notice that the court could dismiss this action if Mr. Vick did not file a response.

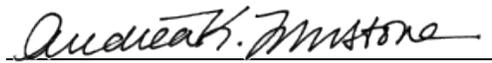
Mr. Vick apparently intends to abandon this case. Therefore, in the interest of judicial economy and to avoid issuing what could be deemed advisory opinions, the pending motions should be dismissed as moot, and this action should be

dismissed in its entirety, without prejudice, and judgment should be entered, because of Mr. Vick's failure to prosecute.

### **Conclusion**

For the foregoing reasons, the district judge should deny the defendants' motion to dismiss (Doc. No. 66) as moot, deny the defendants' motion for a protective order (Doc. No. 68) as moot, dismiss this action in its entirety, without prejudice, and then judgment should be entered, because of Mr. Vick's failure to prosecute. Any objections to this Report and Recommendation must be filed within fourteen days of receipt of this notice. See Fed. R. Civ. P. 72(b)(2). The fourteen-day period may be extended upon motion.

Only those issues raised in the objection(s) to this Report and Recommendation are subject to review in the district court. See Sch. Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010). Any issues not preserved by such objection(s) are precluded on appeal. See id. Failure to file any objections within the specified time waives the right to appeal the district court's Order. See Santos-Santos v. Torres-Centeno, 842 F.3d 163, 168 (1st Cir. 2016).



Andrea K. Johnstone  
United States Magistrate Judge

February 1, 2022

cc: Charlie D. Vick, pro se  
Helen H. Lee, Esq.  
Zachary A. Cunha, Esq.  
Kevin Love Hubbard, Esq.